

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1991 of 2005

Between:

K.Shankaraiah, S/o Sambaiah,
R/o H.No.10-5-496, Kisannagar, Karimnagar.

..... PETITIONER

AND

- 1 The Station House Officer, Manakondur Police Station,
Karimnagar District.
- 2 The Circle Inspector of Police, Karimnagar Rural, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the order in CrI.M.P.No.356 of 2005 in Crime No.209 of 2004 of P.S.Manakondur, dated 1-2-2005 passed by the Addl. J.F.C.M.Karimnagar as illegal, null and void and violative of Articles 14, 21 and 22 of the Constitution of India and also violative of the section 167(2) of the Cr.P.C. and also declare the detention of the accused No.2 and 3 as illegal. Consequently to release the Dandaboina Srinivas and Kanaparthi Murali/accused No.2 and 3 in Crime No.209 of 2004 of P.S.Manakondur, pending on the file of Additional Judicial Magistrate of First Class at Karimnagar, now lodged in District Jail, Karimnagar on such terms and conditions as this Hon'ble Court may deem fit and proper in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.K.VENUMADHAV

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The petitioner feels aggrieved by an order dated 01.02.2005, passed by the Court of the Additional Judicial Magistrate of First Class, Karimnagar in CrI.M.P.No.356 of 2005 in Crime No.209 of 2004 of P.S.Manakonduru. The petitioner contends that the offence alleged against him is punishable with an imprisonment of two years and in that view of the matter, he is entitled to be released under Section 167(2)(b) Cr.P.C., on account of the lapse on the part of the police in filing the charge sheet.

Even if the contention advanced on behalf of the petitioner is true, he has to prosecute the remedy before this Court with a proper application for bail. A writ petition cannot be maintained to examine the correctness of the order passed by a criminal Court refusing to release the accused in a crime.

Hence, the writ petition is dismissed, leaving it open to the petitioner or the applicants in CrI.M.P.No.356 of 2005 to move the proper application before this Court. There shall be no order as to costs.

08.02.2005

ksld

To

1 The Station House Officer, Manakondur Police Station,
Karimnagar District.

2 The Circle Inspector of Police, Karimnagar Rural, Karimnagar.

3 Two CCs to G.P for Home, High Court of A.P. Buildings, Hyderabad

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4 Two CD Copies